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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor(s):** Brucker et al.  
**Title:** BIFURCATED STENT AND DELIVERY SYSTEM  
**I.A. Filing Date:** February 26, 2002  
**Ser. No.** 10/083,707

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JUL 24 2002

## TECHNOLOGY CENTER R3700

**Attorney's Docket No. S63.2-10308**

**Petition Under 37 CFR §1.47(b)**

## **For U.S. Patent Application Wherein the Inventor Refuses to Sign**

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## OFFICE OF PETITIONS

Scimed Life Systems, Inc. hereby requests that the United States Patent and Trademark Office accept the enclosed Declaration(s) of Inventorship under 37 C.F.R. 1.63, wherein Enrique Malaret, a co-inventor of U.S. Application 10/083,707, refuses to sign a Declaration despite Mr. Malaret's written agreement to assist Scimed in filing patent applications. As a result, the above referenced Application is made on behalf of Mr. Malaret by the available co-inventors: Todd Hall, David Byrd, Gerald Hubbs, Greg Furnish, Josh Barber, Indaka Gunasekara, Ben Morris, Valerie Futral, Sava A. Chemomordik, William C. Mers Kelly, William A. Reuss, Jr., Simon Furnish, Michael A. Wilson, Gregory Brucker, Hacene Bouadi, John C. Muskivitch, Matthew Pease, David Rahdert, Travis Rowe, Gregory Ruhf, Brandon Walsh, Claude Vidal, Russ Redmond, and Thomas Banks as indicated on the enclosed Declaration(s).

Enclosed with this petition is:

a) Declaration(s) of Inventorship signed under 37 C.F.R. §1.63 by the above referenced available co-inventors.

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10/28/2002 HLE555 000000083220350 10083707

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by  
30.00 CHF

01 EC:1460

**PETITION UNDER 37 C.F.R §1.47(b)**

- b) Assignments signed by the above referenced available co-inventors, assigning their respective rights, title and interest in the above referenced patent application to Scimed Life Systems Inc.,
- c) a Declaration of Facts in Support of Filing on Behalf of Omitted Inventor Enrique Malaret,
- d) a Power of Attorney from Assignee (Scimed Life Systems Inc.) appointing all practitioners of Customer No. 490, including James M. Urzedowski, to act on their behalf, and
- e) the petition fee of \$130.00 required by 37 C.F.R. 1.17(h).

Applicant authorizes the Commissioner of Patents and Trademarks to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. 22-0350.

Date: 11/28/02

James M. Urzedowski

(Signature of James M. Urzedowski,  
attorney for Assignee)  
Reg. 48,596

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Brucker et al.  
Title: BIFURCATED STENT AND DELIVERY SYSTEM  
I.A. Filing Date: 10 26 2002  
Ser. No. 10/083,707



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TECHNOLOGY CENTER R3700

Attorney's Docket No. S63.2-10308

**Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor  
(37 CFR 1.47(b))**

This declaration is made as to the exact facts which are relied upon to establish the diligent effort to secure the execution of the declaration by the omitted inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by the assignee's attorney having knowledge of the facts recited herein.

**Identification Of Person Making This Declaration Of Facts**

Name of declarant: James M. Urzedowski

Address of declarant: Vidas, Arrett & Steinkraus, P.A.  
6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343

Title of declarant: Attorney

**Last Known Address Of The Omitted Inventor**

Name of omitted inventor: Enrique Malaret

Last known address: 4935 Balsam Lane North  
Plymouth, MN. 55442

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OFFICE OF PETITIONS

**Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor 37 CFR 1.47(b)**

**Application No.10/083,707**

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**Details Of Efforts To Reach Omitted Inventor**

1. The omitted inventor, Enrique Malaret, signed a Consulting Agreement with Assignee Boston Scientific, Scimed, Inc, (Scimed Life Systems Inc.), on December 20, 2000, wherein Mr. Malaret acknowledged that he would aid the Assignee in filing patents or obtaining other protection on any ideas, inventions, improvements or suggestions arising from his performance as a consultant to the Assignee.
2. The subject matter of the above identified Application as well as related Applications 10/084,766 and 10/083,711 arose in part from Mr. Malaret's performance as a consultant during the term of the Consulting Agreement.
3. Following the filing of the present Application, I received a Notice to File Missing Parts under 37 CFR 1.53(b) mailed April 3, 2002 requiring the declaration of the inventors by June 3, 2002, or later with a petition for extension pursuant to 37 CFR 1.136(a).
4. On May 1, 2002 I sent a letter to Mr. Malaret requesting that he sign the Declaration and Assignment that I had included therewith. Upon hearing no response by the date I had requested, I sent Mr. Malaret follow-up letters on May 23, 2002, and June 4, 2002.
5. Shortly after the letter of June 4th was sent by certified mail, I was notified by an attorney who claimed to represent Mr. Malaret that due to an existing disagreement between Mr. Malaret and the Assignee, Mr. Malaret was refusing to sign the Declaration or Assignment.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 6/28/02

James M. Urzedowski  
Reg. No. 48,596